

A Unique Partnership

Years before there was a U.S. Environmental Protection Agency, or a federal Clean Water Act, or even an environmental movement, a little government agency was hard at work restoring life to one of America's most polluted rivers.

A pioneer in environmental protection, the Delaware River Basin Commission (DRBC) got its start on October 27, 1961, the day the Delaware River Basin Compact became law. The compact's signing by President Kennedy and four governors marked the first time since the nation's birth that the federal government and a group of states joined as equal partners in a river basin planning, development, and regulatory agency.

The clean-up of the Delaware and numerous other DRBC accomplishments are rooted in the compact's chief canon - that the waters and related resources of the Delaware River Basin are regional assets vested with local, state, and national interests for which there is a joint responsibility.

Almost 40 years after the compact was signed, Secretary of State Madeline Albright perhaps unwittingly acknowledged the foresight of its authors. In an Earth Day speech on August 12, 2000, she stated:

“Experts tell us that water management is best done on a watershed or basinwide basis. This requires all who have a stake, whether in or outside government, to join in developing approaches tailored to regional needs.”

The commission is unique in that the federal government and the four basin states (New York, Pennsylvania, New Jersey and Delaware) are equal partners. They have the collective power to enter into binding agreements on all water-related issues in the basin, located in the most densely populated and intensively industrialized region of the United States. Interstate disputes are settled by a vote of the members, an act that has the force of law without further state or congressional action.

Another unique feature is that the commission, with some 45 employees, has the authority to set water quality standards and allocate surface and ground water within the basin without regard to political boundaries. Such large federal agencies as the E.P.A. and the U.S. Army Corps of Engineers lack such authority. And the four basin states lack the territorial jurisdiction to address problems that transcend state borders. The commission has that power.

Since its inception, the commission has been the successful arbiter in enforcing provisions of a 1954 U.S. Supreme Court decree (and subsequent “Good Faith” agreement) that apportioned the waters of the Delaware - splitting allocations between New York City and down basin users in Pennsylvania, New Jersey, and Delaware.



STEWARD L. UDALL,
appointed by
President Kennedy
as the commission's
first federal member.

(Photo from the early 1960s)



President Kennedy and basin state governors sign ceremonial compact documents at a White House press event held November 2, 1961. Seated, from left, Gov. Robert Meyner of New Jersey; Gov. Elbert Carvel of Delaware; and Pennsylvania Gov. David Lawrence. New York Gov. Nelson Rockefeller was unable to attend. Background, from left, Frank Barry of the U.S. Interior Department; W. Brinton Whitall, the commission's first secretary; Gen. Norman Lack (leaning towards table), alternate commissioner from Delaware; Philadelphia Mayor Richardson Dilworth; Harold Wilm, representing New York State; Dr. Maurice Goddard, secretary of the Pennsylvania Department of Forests and Waters; Vincent Terenzio, New York City Water Board; and Arthur Ford, the water board's chairman.

(Wide World Photos)

On numerous occasions the commission has brought together the decree parties (the three down basin states, plus New York State and the city) to hammer out solutions to water allocation disputes.

The commission's formation changed the Delaware Valley from an arena of conflict to a model of federal-state cooperation - unlike other parts of the country where across-the-border water squabbles continue to run up huge litigation costs. The financial savings in legal fees to all five commission members have far exceeded DRBC's operating costs.

Blazing a new trail in water pollution abatement, the DRBC in 1967 adopted the most comprehensive water quality standards of any interstate river basin in the nation. The standards, which focused on dissolved oxygen levels, were tied to an innovative wasteload allocation program that factored in the waste assimilative capacity of the tidal Delaware River. Interior Secretary Stewart Udall declared at the time:

“Only the Delaware among the nation's river basins is moving into high gear in its program to combat water pollution.”

A year later, the DRBC adopted regulations for implementing and enforcing the standards, prompting the Federal Water Pollution Control Administration to observe:

“This is the only place in the country where such a procedure is being followed. Hopefully, it will provide a model for other regulatory agencies.”

In years since, the commission has added to its regulatory package, including adoption of standards to protect the high water quality in the upper Delaware River which supports a world class trout fishery.

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And using the same concept it did in the 1960s, the DRBC has established standards for toxic pollutants found in the river's tidal reach, which serves as the common border for Pennsylvania, New Jersey, and Delaware. Numerous substances are covered under the rules, including PCBs and DDT.

This program highlights the merits of ignoring political boundaries when managing a resource like water. Initially the states had independently developed water quality criteria for the toxic substances to meet requirements of the federal Clean Water Act. Problems inherent in this splintered approach, however, soon became apparent and the states turned to the commission for help. The solution was the formation of a DRBC Toxics Management Program to address the collective needs and goals of the four states and the federal government. After all, it was the health of a river they were concerned with, no matter where the water traveled.

And that was exactly what Congress had in mind when it voted to create the commission back in 1961. As it stated then:

“The establishment of a single agency to coordinate federal interests in the Delaware River Basin is of as much importance as the joining together of the four states and the resultant coordination of the various state activities. In brief, there is one river, one basin, all water resources are functionally inter-related, and each one is dependent upon the other. Therefore, one comprehensive plan and one coordinating and integrating agency is essential for efficient development and operation.”

In addition to water quality issues, the commission has programs that address water supply allocation, regulatory review of large water resource projects like waste treatment plants, water conservation, watershed planning, drought management, flood control, and recreation.

The commission's water conservation programs got underway before the concept gained popularity with other agencies. It recognized early on that it was necessary to cut back on the demand side of water supply since a strong environmental voice and a shortage of federal cash had pushed structural solutions (like new reservoirs) pretty much off the table.

The commission estimates savings of some 80 million gallons a day of water by the year 2020 through just one of its water saving initiatives - the mandatory use of low flow plumbing fixtures and fittings. This reduction should save or defer from \$250 million to \$450 million in additional capital costs for in-basin water supply and wastewater treatment plants.

The commission's drought management plan also is designed to save water while augmenting natural river flows through reservoir releases to help protect wildlife and meet the needs of millions of people living downstream. The additional fresh water also helps repel the migration of salty water from the

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Delaware Bay which can threaten upstream water supplies, cause corrosion problems for industries that use Delaware River water, and increase costs for water treatment.

DRBC members are the four basin state governors and a federal representative appointed by the President of the United States. The members appoint alternate commissioners, the governors traditionally selecting high ranking officials in their respective state environmental agencies.

The fact that five separate governmental bodies with their own sovereign powers can successfully work together on an equal footing in managing a common resource has caught the eye of other river managers. Countries like Slovakia and Australia have used the Delaware River Basin Compact as a model for creating their own river basin commissions. So have the states. Two examples are the recent formations of the Alabama-Coosa-Tallapoosa and the Apalachicola-Chattahoochee-Flint commissions. Both, with the federal government as a partner, were built on the same institutional foundation that has proven so successful in managing the waters of the Delaware River Basin.

Commission representatives have been invited to foreign countries to tell the DRBC story and to offer help in developing new water supply and pollution abatement programs. And delegations from around the globe have visited the commission offices in West Trenton, N.J., to learn about the DRBC's unique governing powers.

The commission's approach to watershed management places great emphasis on outreach and public involvement. It uses numerous advisory committees to provide input to help shape policy and craft new regulations. Committee members represent a cross cut of basin interests - agriculture, government, academia, business, industry, environmental advocacy.

On the commission's 25th Anniversary, Marilyn Reeves, a director of the League of Women Voters of the United States, touched on the importance of constituent input:

“In the years ahead the problems of water will be defined and solved through the same imperfect process - a mix of science, uncertainty, value judgments, public perception, and political compromises. Public participation is the only way to ensure that all the elements of that mix are fairly considered.”

Interior Secretary Udall, appointed by President Kennedy as the commission's first federal member, was the keynote speaker at the 1986 event that recognized a quarter century of hard earned achievements. He spoke of the commission's charge to care for the gift of water for the next generation.

“The best things in life are free,” he said. “Natural beauty, clean air, clean water. You have to earn them in a way, but they are free. And they must be preserved.”

